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Date: July 22, 2004

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Michelle R. Crosby

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Re: U.S. Patent Application No. 10/791,373  
Docket No: AFFYP005D  
Pages: 5 (including cover)

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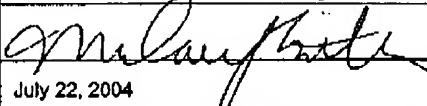
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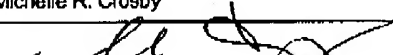
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<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/791,373	
	Filing Date	March 1, 2004	
	First Named Inventor	Mark S. CHEE, et al.	
	Group Art Unit	Unassigned	
	Examiner Name	Unassigned	
Total Number of Pages in This Submission	4	Attorney Docket Number	AFFYP005D

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Return Postcard <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Request for Reconsideration Copy of Notice
Remarks		The Commissioner is authorized to charge any additional fees to Deposit Account 50-1852.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm and Individual name	RITTER, LANG & KAPLAN LLP Michael J. Ritter Reg. No. 36,853
Signature	
Date	July 22, 2004

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Typed or printed name	Michelle R. Crosby		
Signature		Date	July 22, 2004

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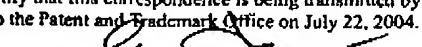
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Appln. No. : 10/791,373 Confirmation No.: Unassigned  
Applicant : Mark S. CHEE, et al.  
Filed : March 1, 2004  
TC/A.U. : Unassigned  
Examiner : Unassigned  
  
Docket No. : AFFYP005D  
Customer No. : 26541  
Title : COMPUTER-AIDED VISUALIZATION AND ANALYSIS  
SYSTEM FOR SEQUENCE EVALUATION

Attention of Licensing and Review  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR RECONSIDERATION**

Dear Sirs:

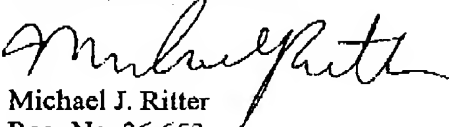
Applicant received a Notice that was mailed June 24, 2004 indicating that a statement needed to be filed as it was alleged that the subject application was related to the production or utilization of "special nuclear material or atomic energy" as recited in 42 USC 2182.

Applicant requests reconsideration of this requirement as the subject application is not related to nuclear material or atomic energy as recited in the statute. Embodiments of the invention can be used in conjunction with nucleic acids, which is found in living organisms. Accordingly, it is believed that the statute that is cited does not apply.

Appl. No. 10/791,373  
Request Dated July 22, 2004  
Reply to Notice of June 24, 2004

If a telephonic discussion would in any way expedite this matter, please do not hesitate to contact the undersigned at 408-446-8693.

Respectfully submitted,



Michael J. Ritter  
Reg. No. 36,653

RITTER, LANG & KAPLAN LLP  
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RITTER, LANG &amp; KAPLAN LLP

JUN 8 2004

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Patent and Trademark Office**

 Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/791,373	03/01/04	CHEE, ET AL.	AFFYP005D

 RITTER, LANG & KAPLAN  
12930 SARATOGA AE. SUITE D1  
SARATOGA, CA 95070

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LICENSING &amp; REVIEW

**IF NO RESPONSE TO THIS NOTICE IS RECEIVED WITHIN FORTY-FIVE DAYS, A  
FORMAL REQUIREMENT WILL BE ISSUED**

The subject matter of this application appears to:

☒ be "useful in the production or utilization of special nuclear material or atomic energy" as recited in 42 U.S.C. 2182 (Department of Energy (DOE)).

☐ "have significant utility in the conduct of aeronautical and space activities" as recited in 42 U.S.C. 2457 (National Aeronautics and Space Administration (NASA)).

Accordingly, no patent can issue on this application unless applicant(s) file a statement (under oath or in the form of a declaration as provided by 37 CFR 1.68) setting forth (1) the full facts concerning the circumstances under which the invention was made and conceived and (2) the relationship (if any) of the invention to the performance of any work under any contract or other arrangement with the Agency(ies) noted above. On the reverse side of this form is an example of an acceptable format for this statement. The language appearing in paragraphs III and/or IV of the example *must* appear if applicant is attempting to establish that no relationship (under item 2 above) exists.

If the invention disclosed in this application was developed under a contract, grant or cooperative agreement between the Agency indicated above and a person, small business or non-profit organization and rights to the invention have been determined by specific reference to 35 U.S.C. 202 in the contract, grant or cooperative agreement, then applicant need not submit the statement described above. Instead, applicant may file a verified statement (under oath or in the form of a declaration, 37 CFR 1.68) setting forth the information required by 35 U.S.C. 202(c)(6).

IF NO STATEMENT HAS BEEN RECEIVED WITHIN FORTY-FIVE DAYS OF THE MAIL DATE INDICATED ABOVE, a formal requirement for statement will then be issued. No provision is made for extension of the statutory thirty-day period for response to the formal requirement and the penalty for failure to file an acceptable and timely statement is abandonment of the application. Therefore, applicants are strongly encouraged to submit a statement at this time in order to avoid the issuance of a formal requirement.

IT IS IMPORTANT TO NOTE that the statement must accurately represent the property rights situation of the claimed invention if and when the application is found allowable. Thus, if during prosecution before the examiner, the claimed invention is so altered or the property rights situation so changed as to impact the accuracy of a statement submitted earlier, a supplemental statement must be filed. Failure to submit such additional information where appropriate may be considered a false representation of material facts and render the patent owner vulnerable to loss of patent rights and other sanctions as set forth in the statutes. The PTO will not review allowed applications for this possibility. The responsibility for complying with the statutes rests with the applicants.

Any questions regarding this requirement should be directed to Licensing and Review at (703) 306-4191.

105-205-0041

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